

**CHARTER OF THE
U.S. ELECTION ASSISTANCE COMMISSION
TECHNICAL GUIDELINES
DEVELOPMENT COMMITTEE**

The U.S. Election Assistance Commission (the "Commission" or EAC) was established by the Help America Vote Act of 2002 (P. L. 107-252), hereinafter referred to as the Act. EAC is an independent, bipartisan commission charged with developing guidance to meet HAVA requirements, adopting voluntary voting system guidelines, and serving as a national clearinghouse of information on election administration. EAC also accredits testing laboratories and certifies voting systems, as well as audits the use of HAVA funds.

ESTABLISHMENT:

In accordance with the requirements of Section 221 of the Act, the Commission hereby Charters the Technical Guidelines Development Committee (the "Committee" or TGDC), pursuant to the Federal Advisory Committee Act, 5 U.S.C. App. 2.

OBJECTIVES AND DUTIES:

Pursuant to 42 U.S.C. § 15361(b)(1), the Committee will act in the public interest to assist the Executive Director of the Commission in the development of the voluntary voting system guidelines.

MEMBERS AND CHAIRPERSON:

Membership: The Committee shall be composed of:

1. The Director of the National Institute of Standards and Technology (NIST) who shall serve as its chair.
2. A group of 14 other individuals appointed jointly by the Commission and the Director of NIST, consisting of the following:
 - A. An equal number of each of the following:
 - i. Members of the Standards Board,
 - ii. Members of the Board of Advisors,
 - iii. Members of the Architectural and Transportation Barrier, and Compliance Board (Access Board).
 - B. A representative of the American National Standards Institute.
 - C. A representative of the Institute of Electrical and Electronics Engineers (IEEE).

D. Two representatives of the National Association of State Election Directors (NASED) selected by such Association who are not members of the Standards Board or Board of Advisors, and who are not of the same political party.

E. Other individuals with technical and scientific expertise relating to voting systems and voting equipment.

Terms of service; vacancies:

1. Members of the Committee shall serve for a term of two (2) years, and may serve for a longer period only if reappointed for an additional term or terms. A term shall commence on the date this Charter was filed (see below).

2. A member of the Committee who has not been reappointed at the end of his or her term shall continue to serve on the Committee until such time as he or she is either reappointed or replaced.

3. Any vacancy in the Committee shall be filled in the manner in which the original appointment was made.

4. If an individual is appointed to fill a vacancy, that individual shall serve on the Committee for the remainder of the term for which the vacancy existed.

5. Notice of vacancies on the Committee for those individuals jointly appointed by EAC and NIST will be published in the Federal Register as well as on the Commission's website at least thirty (30) days before the vacancy is filled.

6. In accordance with the Presidential Memorandum for the Heads of Executive Departments and Agencies, issued on June 18, 2010, federally registered lobbyists shall not be appointed to the Committee. If a Committee member becomes a federally registered lobbyist subsequent to being appointed to the TGDC, he or she shall resign immediately and may not participate in Committee business thereafter.

ADMINISTRATIVE PROVISIONS:

1. The Committee shall report to Commission's Designated Federal Officer (DFO). The DFO must approve or call all Committee meetings, approve the agenda for all meetings, attend all Committee meetings, adjourn any meetings when the DFO determines adjournment to be in the public interest, and chair Committee meetings in the absence of the designated Chair. EAC's DFO must have notice of all subcommittee meetings as well.

2. Selected staff within NIST's Information Technology Laboratory will provide staff support for the Committee.

3. The Committee shall meet as necessary to carry out the work, duties and responsibilities of the Committee.
4. Members of the Committee shall not be compensated for their services, but will, upon request, be reimbursed for or provided with travel and per diem expenses in accordance with 5 U.S.C. 5701 et seq., while attending meetings of the Committee or subcommittees thereof, or while otherwise performing duties at the request of the Chair with approval from the DFO, while away from their homes or regular places of business.
5. The Committee shall function solely as an advisory body, in accordance with the provisions of the Federal Advisory Committee Act, as amended, implementing regulations, and applicable agency policies and/or guidelines.
6. EAC's annual cost of operating the Committee is estimated at \$159,000, including all direct and indirect expenses. EAC estimates that two (2) full time equivalents (FTE) will be required to support the TGDC.
7. NIST estimates that its annual cost of operating the Committee is \$220,000, including all direct and indirect expenses. NIST estimates that one (1) FTE will be required to support the TGDC.
8. The Committee shall not act in the absence of a quorum, which shall consist of a simple majority of the members of the Committee not having a conflict of interest in the matter being considered by the Committee, except that, if the number of members on the Committee is even, half will suffice.
9. The EAC will create any subcommittees of the TGDC that may be necessary to accomplish the TGDC's function. In addition, the EAC will establish such operating procedures as required to support the TGDC, consistent with the Federal Advisory Committee Act, as amended, implementing regulations, and applicable agency policies and/or guidelines.
10. Starting with the effective date of this Charter, the Committee may, by simple majority vote, adopt resolutions, make motions, or make recommendations to the Commission for consideration. New resolutions, motions, and recommendations will, however, be treated as advisories to EAC. EAC will only consider resolutions, motions, or recommendations passed by majority vote and determined to be within the scope of the Committee's objectives and duties as outlined at 42 U.S.C. § 15361(b)(1). The Committee shall work only on those new items with which EAC has tasked the Committee.
11. The Committee may, by simple majority vote, pursuant to 42 U.S.C. § 15361(e), request technical support from NIST, within the scope of the Committee's objectives and duties as outlined at 42 U.S.C. § 15361(b)(1). Any such request must be approved by the DFO before the TGDC may communicate the request to NIST.

DURATION:

The Committee's Charter shall be renewed every two years from the date of filing, below.

CHARTER FILING DATE:

This Charter was filed on the 19th day of October, 2010.

Signed: _____/s/_____

Donetta Davidson, Chair
U.S. Election Assistance Commission